

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## BARBARA STUART ROBINSON.

CASE NO. 2:24-cv-00732-LK

**Plaintiff,**

**ORDER GRANTING PLAINTIFF'S  
MOTION TO VOLUNTARILY  
DISMISS; DENYING AS MOOT  
MOTIONS FOR SUMMARY  
JUDGMENT**

## ST. FRANCIS HOSPITAL.

**Defendant:**

This matter comes before the Court on Defendant St. Francis Hospital's Motion for Summary Judgment, Dkt. No. 29, Plaintiff Barbara Stuart Robinson's Amended Motion for Summary Judgment, Dkt. No. 26, and her Motion Notice of Voluntary Dismissal, Dkt. No. 31. For the reasons set forth below, the Court grants Ms. Robinson's motion to voluntarily dismiss her case without prejudice and denies as moot the parties' motions for summary judgment.

## I. BACKGROUND

Ms. Robinson initiated this action on May 28, 2024. Dkt. No. 1. The Court dismissed her original complaint without prejudice because even when construed liberally in light of her pro se

1 status, the complaint failed to state a claim. Dkt. No. 7 at 3–5. The Court granted Ms. Robinson  
 2 leave to amend, and she subsequently filed two amended complaints. *Id.* at 4; Dkt. Nos. 8, 14.

3 In her second amended complaint, Ms. Robinson alleged that St. Francis Hospital admitted  
 4 her on March 13, 2024, but then issued her a notice of trespass in violation of state and federal  
 5 law. Dkt. No. 14 at 1–3. She asserted claims under 42 U.S.C. § 1983, 42 U.S.C. § 1395dd, and  
 6 Section 9A.52 of the Revised Code of Washington. *Id.* at 3–5.<sup>1</sup> St. Francis filed an answer to the  
 7 second amended complaint. Dkt. No. 17.

8 On November 18, 2024, Ms. Robinson filed a motion for summary judgment, Dkt. No. 25,  
 9 followed the same day by an amended motion for summary judgment, Dkt. No. 26. She contends  
 10 that St. Francis violated her Constitutional rights by escorting her off hospital property “without  
 11 an appropriate medical screening evaluation.” *Id.* at 2. At the same time, she stated that she was  
 12 “physically examined by the attending physician and nurse and orders were entered for labs, an  
 13 electrocardiogram (EKG) and a chest x-ray.” *Id.* The EKG and x-ray “both returned negative.” *Id.*  
 14 After receiving those results, Ms. Robinson informed hospital staff that “she was feeling better,  
 15 her chest pain was gone, and she was ready to leave. She then began to yell and threaten the medical  
 16 providers.” *Id.* She was asked to leave the property “in accordance with hospital policy” because  
 17 she “continued to yell and verbally intimidate the staff.” *Id.*

18 On November 22, 2024, St. Francis filed its motion for summary judgment contending that  
 19 Ms. Robinson’s claims are untenable. Dkt. No. 29. After receiving that motion, Ms. Robinson filed  
 20 her Motion Notice of Voluntary Dismissal stating that Defendants’ motion for summary judgment  
 21 included “new facts and evidence that was not presented at discovery,” and requesting to  
 22

---

23 <sup>1</sup> On November 6, 2024, King County Superior Court granted St. Francis’s motion for summary judgment regarding  
 24 claims filed by Ms. Robinson. Dkt. No. 34 at 3; Dkt. No. 34-11 at 2–3. St. Francis represents that “[t]hose claims  
 concern the same parties and subject matter as this current case in federal court.” Dkt. No. 33 at 5.

1 voluntarily dismiss her claims without prejudice. Dkt. No. 31 at 1 (capitalization altered). Her  
 2 response to St. Francis Hospital's motion for summary judgment reiterated her request to  
 3 voluntarily dismiss her complaint without prejudice. Dkt. No. 32 at 1. She also alleged that St.  
 4 Francis "failed to disclose privileged information" and included in its motion for summary  
 5 judgment information that it failed to provide in discovery. *Id.* at 2, 5.

6 St. Francis did not file a separate response to the motion for voluntary dismissal and instead  
 7 addressed that request in its reply in support of its motion for summary judgment. Dkt. No. 33. In  
 8 that brief, St. Francis contended that it is entitled to summary judgment and Ms. Robinson's motion  
 9 to voluntarily dismiss should be denied. *See generally id.*

## 10 II. DISCUSSION

### 11 A. Legal Standard

12 Where, as here, a plaintiff requests voluntary dismissal after the opposing party has  
 13 answered and moved for summary judgment, the action may be dismissed "only by court order,  
 14 on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). "Where the request is to dismiss  
 15 without prejudice, a District Court should grant a motion for voluntary dismissal under Rule  
 16 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result."  
 17 *Kamal v. Eden Creamery, LLC*, 88 F.4th 1268, 1279 (9th Cir. 2023) (cleaned up). "Legal  
 18 prejudice" means "prejudice to some legal interest, some legal claim, some legal argument."  
 19 *Westlands Water Dist. v. United States*, 100 F.3d 94, 96–97 (9th Cir. 1996). "Uncertainty because  
 20 a dispute remains unresolved" or "the threat of future litigation which causes uncertainty" are  
 21 insufficient to demonstrate legal prejudice. *Id.* at 96–97. Furthermore, "the mere inconvenience of  
 22 defending another lawsuit does not constitute plain legal prejudice[.]" *Kamal*, 88 F.4th at 1280  
 23 (quoting *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145 (9th Cir. 1982)).

1       **B. Ms. Robinson is Entitled to Voluntarily Dismiss Her Complaint**

2           St. Francis contends that if Ms. Robinson “intended to bring a motion to dismiss, this was  
 3 done improperly as an opposition to a summary judgment motion.” Dkt. No. 33 at 2. The Court  
 4 disagrees that Ms. Robinson’s motion to voluntarily dismiss was procedurally improper. True  
 5 enough, Ms. Robinson requested voluntary dismissal in her response to St. Francis’s motion for  
 6 summary judgment, Dkt. No. 32 at 1, and “it is procedurally improper to include a request for  
 7 affirmative relief in a response brief,” *Meghinasso v. Mercedes-Benz USA*, No. C17-5930-LK,  
 8 2022 WL 226078, at \*1 (W.D. Wash. Jan. 26, 2022). However, she also filed a separate motion  
 9 for voluntary dismissal. Dkt. No. 31.

10          St. Francis also responds that the alleged “new facts” to which Ms. Robinson points do not  
 11 “overcome summary judgment,” and “[a]ll documents filed in support of [its motion for summary  
 12 judgment] were previously provided to Plaintiff.” Dkt. No. 33 at 2. Its brief focuses on whether its  
 13 motion for summary judgment actually included new facts and delves into the minutiae of what  
 14 was provided in discovery. *Id.* at 2–5. In doing so, St. Francis misses the forest for the trees. Now  
 15 that Ms. Robinson has moved for voluntary dismissal, the Court must assess whether St. Francis  
 16 will suffer legal prejudice if her request is granted. *See Kamal*, 88 F.4th at 1282 (explaining that a  
 17 “district court must determine whether granting a motion for dismissal without prejudice would  
 18 result in legal prejudice to the defendant and, if not, the motion should be granted.”). St. Francis  
 19 does not address this issue or identify any legal prejudice it will experience if the Court grants Ms.  
 20 Robinson’s motion for voluntary dismissal. *See* Dkt. Nos. 33–35. In addition, the Court follows  
 21 the principle of party presentation and declines to invent arguments for St. Francis. *See United*  
 22 *States v. Sineneng-Smith*, 590 U.S. 371, 375–76 (2020); *see also Todd R. v. Premera Blue Cross*  
 23 *Blue Shield of Alaska*, 825 F. App’x 440, 442 (9th Cir. 2020). In the absence of legal prejudice, the  
 24 Court grants Ms. Robinson’s motion to voluntarily dismiss and denies as moot both parties’

1 motions for summary judgment. The Court also declines to impose any “terms” on the dismissal  
2 because St. Francis has not requested any and none appear warranted.

3 **III. CONCLUSION**

4 For the foregoing reasons, the Court GRANTS Ms. Robinson’s motion for voluntary  
5 dismissal, Dkt. No. 31, and DENIES AS MOOT both parties’ motions for summary judgment,  
6 Dkt. Nos. 26, 29. Ms. Robinson’s complaint is dismissed without prejudice. The Clerk of Court  
7 shall close this case and terminate any remaining deadlines.

8 Dated this 3rd day of February, 2025.

9   
10

11 Lauren King  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24